IN RE: PETITION FOR VARIANCE
W/S Frog Mortar Road, 220' S of
Bengies Road
(910 Frog Mortar Road)
15th Election District
5th Councilmanic District

Anthony Rinaldi, et ux Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- Case No. 99-204-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Anthony and Mary Rinaldi. The Petitioners seek relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 70 feet for a proposed dwelling reconstruction. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Anthony and Mary Rinaldi, property owners, and Thomas E. Phelps, Professional Engineer who prepared the site plan of this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront lot with frontage on Frog Mortar Creek in southeastern Baltimore County. The property consists of a gross area of 10,000 sq.ft., more or less, zoned D.R.3.5, and is improved with a single family dwelling. The house was previously used as a shore home, but has been vacant for some time. The Petitioners purchased the subject property in June 1998 and are desirous of razing the structure and replacing same with a new dwelling as shown on Petitioner's Exhibit 1. However, due to the narrow width of the lot, the requested variance is necessary in order to proceed with the proposed improvements.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the <u>Baltimore County Zoning Regulations</u> (B.C.Z.R.) and should therefore be

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granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented have established that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner, and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

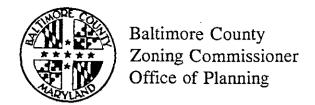
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of January, 1998 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 70 feet for a proposed dwelling reconstruction, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated December 7, 1998, and by the Bureau of Developer's Plans Review division of the Department of Permits and Development Management (DPDM), copies of which are attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Deputy Zoning Commissioner for Baltimore County

TMK.bis



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

January 13, 1999

Mr. & Mrs. Anthony Rinaldi 1209 Berkwood Road Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE
W/S Frog Mortar Road, 220' S of Bengies Road
(910 Frog Mortar Road)
15th Election District – 5th Councilmanic District
Anthony Rinaldi, et ux - Petitioners

Case No. 99-204-A

Dear Mr. & Mrs. Rinaldi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

Suntay Hotroco

for Baltimore County

TMK:bjs

cc: Mr. Thomas E. Phelps 945 Barron Avenue, Baltimore, Md. 21237

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

910 Free MORTAN DOAD

which is presently zoned

DA.3.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.17 Aug. 304.8C22

TO PERMIT A COT WITH A WIGHT OF SOFT, IN LIEN OF THE PEQUIRED 70ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT HEARING.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:			!/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Parchaser/Lessee:			Legal Owner(s):
(Type or Print Name)			TONY LINALDI (Type of Print Name)
Signature			Signature
Address			MANY DINALDI (Type or Print Name)
City	State	Zipcode	mary Ringlative
Attorney for Petitioner:			
(Type or Print Name)			910 FROM MORT AN MORIOGE 0541 Address Phone No
Signature			City State Zipcode Name, Address and phone number of representative to be contacted.
Address	Phone N	0.	THEMAS PHELDS Name 245 BARNON AVE 4105746744
City	State	Zipcode	945 BARROW AVE 4/0 5746794 Address Phone No.
			OFFICE USE ONLY
			ESTIMATED LENGTH OF HEARING UNIVARIABLE for Hearing
D _			the following dates Hext Two Months
Printed with Soybean ink on Recycled Paper			ALLOTHER
Revised 9/5/95			REVIEWED BY: DATE 11-12-98



THOMAS E. PHELPS & ASSOCIATES. INC.

945 Barron Avenue Baltimore, Maryland 21221-5202 (301) 574-6744

LAND SURVEYING

LAND PLANNING

ZONING DESCRIPTION FOR SIO FLOW MONTHE HOAD (address)
(address)
Beginning at a point on the Wast or west) side of
FASS MOSTAN COLO
FROM MONTAL ROAD name of street on which property fronts) which is for west)
(number of feet) (500/H)
which is 40' (number of feet of right-of-way width) (north, south, east or west) (north, south, east or west) (name of street) wide. *Being Lot * 32 *13. Block NA Section * **
Block NA ,Section # NA in the subdivision of REVOLEA BEACH (name of subdivision)
as recorded in Baltimore County Plat Book # 5 Folio # 67
(square feet or acres) Also known as 910 Fave Manner
and located in the 15 Election District Councilmanic District

NOTICE OF ZONING HEARDIG

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Tow-</u> <u>son</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #99-204-A 910 Frog Mortar Road W/S Frog Mortar Road, 220' S of Bengies Road 15th Election District 5th Councilmanic District Legal Owner(s): Tony & Mary

Variance: to permit a lot with a width of 50 feet in lieu of the required 70 feet. Hearing: Tuesday, December 22, 1998 at 9:00 a.m., in Room 407, County Courts Bidg., 481 Bosley Avenue.

LAWRENCE E. SCHMIDT. Zoning Commissioner for Baltimore County Battimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.
(2) For information concerning the File, and/or. Hearing,
Please Call (410) 887-3391.

12/030 Dec. 3 C277164

CERTIFICATE OF PUBLICATION

TOWSON, MD.,	123	, 1998
THIS IS TO CERTIFY, that the a	nnexed adv	ertisement was
published in THE JEFFERSONIAN, a w	eekly news	paper published
in Towson, Baltimore County, Md., once		_
weeks, the first publication appearing o	n 12	3 , 1998.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

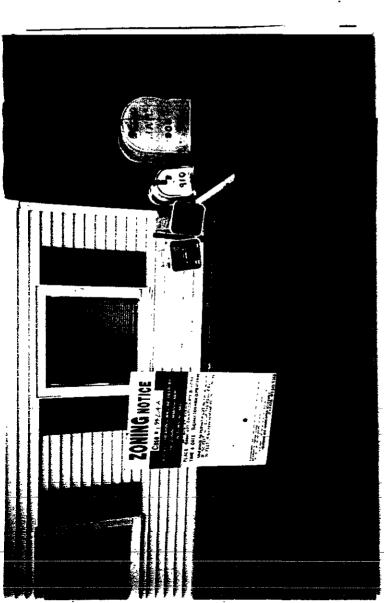
ALTIMORE COUNTY, MARYL/ OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	21 4 No. 056232	PAID RECEIPT PROCESS ACTUAL TIME
ACCOUNT	· · · · · ·	15/13/1998 11/12/1998 14:31:51 XEO WSOS CASHIER LSNI LIS DRAWER 5 HISCELLANGUS CASH RECEIPT RESELPT \$ 083227 (F) OR NO. 056232
ECEIVED T. (. valg)	- 910 Fay Mr. m. 16	
DR:	99-	204-1
		Ţ

Petitioner/Developer: TONI & MAPY RINALDI

C/O TOM. PHELPS

Date of Herrica Towns

Date of RE: Case No.: 99-Date of Hearing/Closing: Permits and Development Management This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #910 FROG MORTAR RD, (Month, Day, Year) Sincerely. (Signature of Sign Poster and Date Patrick M. O'Keefe (Printed Name) 523 Penny Lane (Address) Hunt Valley, MD 21030 (City, State, Zip Code) Pager (410) (410) 666-5366 (Telephone Number) HO 10 FROG MORTAR RD.



Baltimore County Department of

County Office Building, Room 111 111 West Chesapeake Avenue

Attention: Ms. Gwendolyn Stephens

Towson, MD 21204

Ladies and Gentlement

The sign(s) were posted on

RE: PETITION FOR VARIANCE 910 Frog Mortar Road, W/S Frog Mortar Rd,	*	BEFORE THE
220' S of Bengies Rd, 15th Election District, 5th Councilmanic	*	ZONING COMMISSIONER
	*	FOR
Legal Owners: Tony and Mary Rinaldi	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 99-204-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Carole S. Demilio

Peter May Zimmerman

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

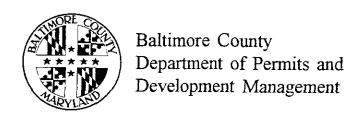
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Thomas Phelps, 945 Barron Avenue, Baltimore, MD 21221, representative for Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

November 24, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-204-A 910 Frog Mortar Road W/S Frog Mortar Road, 220' S of Bengies Road 15th Election District – 5th Councilmanic District Legal Owner: Tony & Mary Rinaldi

Variance to permit a lot with a width of 50 feet in lieu of the required 70 feet.

HEARING: Tuesday, December 22, 1998 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

c: Mary & Tony Rinaldi Thomas Phelps

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 7, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY December 3, 1998 Issue – Jeffersonian

Please forward billing to:

Tony Rinaldi

410-574-6744

910 Frog Mortar Road Baltimore, MD 21220

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-204-A 910 Frog Mortar Road W/S Frog Mortar Road, 220' S of Bengies Road 15th Election District – 5th Councilmanic District Legal Owner: Tony & Mary Rinaldi

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Building, 401 Bosley Avenue

METERCO 8. Tomate

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

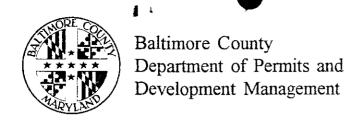
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99- 204-A
Petitioner: Tony Rina Loi
Address or Location: 910 Fros MORTAR Po. BALD., Md. 21223
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:
Telephone Number: (410) 5 74 - 6 74 4

Request for Zoning: V	ariance, Special Exception, or Special Hearing
Date to be Posted: An	ytime before but no later than
Format for Sign Printi	ng, Black Letters on White Background:
	ZONING NOTICE
	Case No.: 99-204A
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER
	IN TOWSON, MD
PLACE:	
DATE AND TIME:	
	ARIANCE TO PERINT A LOT WITH A
	soft. IN LIEU OF THE REQUIRE 70ft.
FOR A S	note family Dwelling.
POSTPONEMENTS DI	JE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.
DO NOT REMO	/E THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
	HANDICAPPED ACCESSIBLE
•	
9/96	· · ·

9/96 post.4.doc



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

December 17, 1998

Mr. Thomas Phelps 945 Barron Avenue Baltimore, MD 21221-5202

RE: Item No.: 204

Case No.: 99-204-A

Location: 910 Frog Mortar Road

Dear Mr. Phelps:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on November 12, 1998.

The Zoning Advisory Committee (ZAC), which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 8, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for November 30, 1998

Item No. 204

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be a least 1 foot over the flood plain elevation in all construction.

The minimum flood protection elevation for this site is 11 feet.

Public sewers a not available now, no new building permits should be issued until the sewer is accepted by the county.

RWB:HJO:jrb

cc: File

ZONE1130.204

Sim 12/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: December 2, 1998

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s): Item No (s): 204, 205, 207, 210, 211, and 213

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffry W Lan

AFK/JL



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

November 29, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 23, 1998

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Pire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

196, 197, 198, 203, 204) and 205

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Date:	December	7,	1998
-------	----------	----	------

TO:

Arnold Jablon

FROM:

R. Bruce Seeley M35

SUBJECT:

Zoning Item #204

Rinaldi Property - 910 Frog Mortar Road

Zoning Advisory Committee Meeting of November 23, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site. X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code). X GWM: Prior to approval of a building permit, an evaluation of the
 - sewage disposal system is required.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 8, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for November 30, 1998

Item No. 204

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RWB:HJO:jrb

cc: File

ZONE1130.204

ORDER RECEIVED FOR FILING

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
THOMAS PHEGRS	JAG BAILLON AVE 21221
ANTHONY S. RINDI	1209 BERKWOOD RD 2123:
Mary c Rinaldi	1209 Borkwood Pd. 2123

